

## United States District Court

Middle

DISTRICT OF

Alabama

## In the Matter of the Search of

(Name, address or brief deposition of person, property or premises to be searched)

APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT

1996 blue Chevrolet pickup truck  
Alabama registration 3A5776V  
VIN 1GCEC14RXTZ218801

CASE NUMBER:

2:06mj/118-VPM

I Thomas J. Halasz

being duly sworn depose and say:

I am a(n) Drug Enforcement Administration Special Agent and have reason to believethat ☐ on the person of or ☐ on the property or premises known as (name, description and/or location)

1996 blue Chevrolet pickup truck Alabama registration 3A5776V, VIN 1GCEC14RXTZ218801

in the Middle District of Alabama

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment A which is incorporated by reference herein

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

contraband, evidence of a crime, proceeds of a crime, instruments used to commit a crime

concerning a violation of Title 21 United States Code, Section(s) 841, 846.

The facts to support a finding of Probable Cause are as follows:

See attached affidavit which is incorporated by reference herein

Continued on the attached sheet and made a part thereof:

☒ Yes ☐ No

Signature of Affiant

Sworn to before me, and subscribed in my presence,

Date

10/26/06

c 9:40 am

at

City and State

Montgomery, AL

Name and Title of Judicial Officer

Vanzetta Sam McShan

Signature of Judicial Officer

Vanzetta Sam McShan

ATTACHMENT A

1. Books, records, receipts, notes, ledgers, and other papers relating to the transportation, ordering, purchase and distribution of controlled substances.
2. Papers, tickets, notes, schedules, receipts, and other items relating to domestic and interstate travel.
3. Books, records, receipts, bank statements and records, money drafts, letters of credit, money order and cashier's checks, receipts, pass books, bank checks, safe deposit box keys, and other items evidencing the obtaining, secreting, transfer, and/or concealment of assets and the obtaining, secreting, transfer, concealment and/or expenditure of money.
4. United States currency, precious metals, jewelry, and financial instruments, including stocks and bonds in amounts indicative of the proceeds of illegal narcotics trafficking.
5. Photographs, video tapes in particular, photographs of co-conspirators, of assets, and/or controlled substances.
6. Receipts for items evidencing the expenditure of the proceeds of drug distribution, including, but not limited to, clothing, furniture, and electronic equipment.
7. Paraphernalia for packaging, cutting, weighing, converting, and distributing controlled substances, including, but not limited to, scales, baggies, spoons, walkie-talkies, CB's, night-vision devices, two-way radios, police scanners, cellular phones, and beepers.
8. Indicia of occupancy, residency, and/or ownership of the premises, including, but not limited to, utility and telephone bills, cancelled envelopes, and keys.
9. Firearms.
10. Controlled substances and residue of controlled substances.

## AFFIDAVIT

I, Thomas J. Halasz, hereby make the following statement under penalty of perjury. I am a Special Agent with the U.S. Drug Enforcement Administration and have been so employed for the past 19 years. I have been employed in law enforcement for approximately the last 27 years. The information in this affidavit consists of personal knowledge and information related by other law enforcement officers.

The DEA Montgomery District Office recently initiated an investigation on Michael Toles Jr. Alabama driver's license and motor vehicle registration information indicate that Michael Toles Jr. resides at 1325 Centerfield Court Montgomery, AL.

On September 25, 2006 I conducted surveillance on 1325 Centerfield Court Montgomery, AL and observed a white 2006 Lincoln SUV bearing Alabama registration 06ON26S parked in the driveway at the rear of that single family residence. That vehicle is registered to Michael Toles Jr. at 1325 Centerfield Court Montgomery, AL.

On October 12, 2006 undercover ABC Board Agent Anthony Isbell acquired approximately 1 ounce of suspected cocaine directly from Michael Toles Jr. in exchange for \$800.00 in serialized "buy" money. Agent Isbell positively identified Michael Toles Jr. based on a driver's license photograph. I field tested the substance with positive results for cocaine.

Michael Toles Jr. was under surveillance prior to and after the cocaine transaction with undercover Agent Isbell. Prior to the transaction Toles Jr. was observed driving a blue Chevrolet pickup truck bearing Alabama registration 3A5776V. That vehicle is registered to Michael Toles Sr. 5443 Woodside Circle Montgomery, AL with VIN 1GCEC14RXTZ218801. Michael Toles Jr. was observed by surveillance agents to enter Thorington Trace subdivision minutes prior to meeting undercover Agent Isbell. 1325 Centerfield Court is located in the Thorington Trace subdivision. Michael Toles Jr. was then observed to drive the above described blue Chevrolet pickup truck from Thorington Trace to meet the undercover Agent on Vaughn Road in Montgomery, AL where the suspected cocaine was exchanged for the \$800.00 in serialized money. During the transaction Toles used a digital scale and a counterfeit money detector which remained in the truck after the transaction.

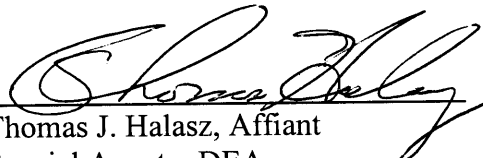
After the cocaine transaction Michael Toles Jr. was observed to travel in the above described blue Chevrolet pickup truck directly back to Thorington Trace. I observed the blue Chevrolet pickup truck parked next to the above described white Lincoln SUV in the driveway behind 1325 Centerfield Court Montgomery, AL approximately three minutes after the transaction with the undercover Agent.

I later drove from the location of the undercover purchase on Vaughn Rd. to 1325 Centerfield Court Montgomery, AL. The drive took three minutes and forty seconds.


On October 25, 2006 undercover Agent Isbell again made arrangements with Michael Toles Jr. to purchase more cocaine. Toles Jr. met with the undercover agent on Vaughn Rd. in Montgomery, AL. Toles was driving the above described blue Chevrolet pickup truck. Toles exited the truck and delivered approximately one half ounce of suspected cocaine to the undercover agent in exchange for \$400.00 in serialized "buy" money. Toles also used a digital scale which he removed from and carried back to the truck. The suspected cocaine was field tested with positive results for cocaine.

After the transaction Toles was observed to travel to 1325 Centerfield Court Montgomery, AL without making any other stops.

Based on the above facts and circumstances I believe that quantities of cocaine and serialized "buy" money will be located at 1325 Centerfield Court Montgomery, AL, and in a 1996 Blue Chevrolet Pickup Truck, Alabama registration 3A5776V, VIN: 1GCEC14RXTZ218801.

  
Thomas J. Halasz, Affiant  
Special Agent – DEA

Sworn and subscribed before me  
this the 26th day of October, 2006.

  
Vanzetta Penn McPherson  
United States Magistrate Judge